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SERIAL NUMBER 03/238,407	FILING DATE 05/05/94	FAY	FIRST NAMED INVENTOR J	ATTORNEY DOCKET NO. 1-20200177
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35M1/0930

BARFIELD, A

EXAMINER

ART UNIT  
3507

PAPER NUMBER

09/30/94

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.        |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____  |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-9 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☐ Claims 1-9 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit

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This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to because applicant fails to identify a ratchet member 23 in Figure 2 as is disclosed in the specification. Applicant further fails to identify a rear portion 42a in the appropriate figure. In Figure 3 appropriate reference numbers for the appetures are needed. Referneces 28 and 30 need to be included in Figure 5. Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said occupant" is not disclosed and does not coincide with the specification.

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The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 3-5, and 7-8 are rejected under 35 U.S.C. § 103 as being unpatentable over Fletcher in view of Caldmeyer and LaPointe. Fletcher discloses a swivel recliner/ rocker chair comprising a seating section (18a), rocker blocks (46) connected to vertical side walls (40), with a spring assembly (58) fixed to the rocker blocks and base assembly (50). Fletcher disclosed further, a swivel assembly (32) and swivel base (24). Fletcher teaches that the base assembly could be positioned on the swivel plate assembly to position the seating section off the geometric center of swivel base member (see Figures 2, 5, 8). Fletcher further teaches that the rocking movement of swivel base member could be stabilized as a result of the off centering of the seating section (column 11 lines 4-14 and see Figures 2, 5, 8).

Fletcher fails to disclose the use of a rocker block with a support surface having a curved portion and a generally flat portion. Caldemeyer discloses the use of a rocker block with a curved portion and flat portion could serve as a blocking means for rocking action (column 2 lines 51-54). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use a rocker block as described above to allow for rearward rocking and reclining motion to a "predetermined degree." Fletcher did not aptly disclose the use of appetures on the brackets of the spring assembly. LaPointe teaches that a plurality of appetures positioned on the rocker block and brackets of the spring assembly could be used to adjust the position of the rocker blocks of a rocker (see Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use multiple appetures for the pretensioning of the springs to provide more balance to an occupant in the seat.

Claims 2,6,9 are rejected under 35 U.S.C. § 103 as being unpatentable over Fletcher as applied to claims 1, 5, and 7 above, and further in view of Knabusch et al. Fletcher did not disclose the use of a pawl and ratchet assembly to be attached to the base and front cover respectfully. Knabusch et al. teaches the use of a pawl (93) and ratchet (119) assembly mounted to the

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base and front cover of a recliner chair (column 5 lines 7-11 also see Figure 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a pawl and ratchet assembly to provide for a plurality of sequentially lockable rearwardly tilted positions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anthony Barfield whose telephone number is (703) 308-2158.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

  
AB

September 22, 1994

  
KENNETH J. DÖRNER  
SUPERVISORY PATENT EXAMINER  
ART UNIT 357